

UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In re:

Exigent Landscaping, LLC,  
Debtor.

Case No. 23-46912-TJT  
Chapter 7  
Hon. Thomas J. Tucker

/

**FIRST AND FINAL FEE APPLICATION OF SUBCHAPTER V TRUSTEE  
FOR EXIGENT LANDSCAPING, LLC, DEBTOR-IN-POSSESSION  
FOR THE PERIOD AUGUST 8, 2023 THROUGH FEBRUARY 29, 2024**

Mark H. Shapiro, Subchapter V Trustee (hereafter "Trustee") states that no agreement or understanding exists between Trustee and any other person for the sharing of any compensation received for services rendered in or in connection with this case, other than agreements or understandings related to the division of compensation among Trustee's partners and associates.

1. Trustee applies to this Court for compensation and reimbursement of expenses under 11 U.S.C. §§ 330 and 331 and provides the following information in accordance with L.B.R. 2016-1 (E.D.M.).
  - A. Compensation sought to be approved: ..... \$12,662.50
  - B. Expenses sought to be approved: ..... \$0.00
  - C. Retainers held: ..... \$0.00
2. Time period of application. The fees requested in this application are

for services rendered as Subchapter V Trustee for the Period of August 8, 2023 through February 29, 2024, the date the case was converted to Chapter 7.

3. Summary of services rendered. Through the course of this proceeding, Trustee has attempted to work with the Debtor, its creditors and the Office of the U.S. Trustee to determine the best means of moving forward from the Debtor's prepetition activities. This became a precarious balance of attempting to help facilitate continued operation of the Debtor's business in spite of numerous prepetition clients having lost deposits paid to the Debtor for work that was never completed and in some cases never commenced. Applicant spoke or corresponded with numerous current and former clients of the Debtor, attempting to determine whether continuation of pending projects was a possibility (which in some cases was an absolute possibility and in others not), and whether there was any prospect for the Debtor to not only complete existing projects, but generate new business. Ultimately, a resolution that accommodated creditors and the Office of the U.S. Trustee could not be reached, in large part because the Debtor was unable to generate new business in a sufficient volume to support feasibility of the plan proposed. Following a Motion filed by the US Trustee and the support of numerous aggrieved customers, the Court converted the case.

4. Case status. As indicated above, the case was converted to Chapter 7 on

February 12, 2024 (Docket no. 152).

5. Services to be rendered in the future. Applicant will not be rendering any further services as Subchapter V Trustee, but has been appointed as the Chapter 7 Trustee in the case.

6. Accrued unpaid administrative expenses. Besides the fees requested in this application, Debtor's counsel has filed an application for allowance of fees [Dkt. No. 168]. Applicant is not aware of any other unpaid Chapter 11 administrative expenses. It is anticipated that the Chapter 7 estate will generate additional administrative expenses.

7. Duplicative services. Mark H. Shapiro, Trustee is not requesting an award for the services of more than one professional or paraprofessional on any given task.

8. Prior fee applications. None.

/s/ Mark H. Shapiro (P43134)  
Subchapter V Trustee for Debtor-In-Possession  
25925 Telegraph Road, Suite 203  
Southfield, MI 48033  
(248) 352-4700  
shapiro@steinbergshapiro.com

Date: March 6, 2024

UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In re:

Exigent Landscaping, LLC, xx-xxx5176  
dba Exigent Design and Build  
13246 23 Mile Road  
Shelby Township, MI 48315

Case No. 23-46912-TJT  
Chapter 7  
Hon. Thomas J. Tucker

Debtor.

/

**NOTICE OF FIRST AND FINAL FEE APPLICATION OF SUBCHAPTER V  
TRUSTEE FOR EXIGENT LANDSCAPING, LLC, DEBTOR-IN-POSSESSION  
FOR THE PERIOD AUGUST 8, 2023 THROUGH FEBRUARY 29, 2024**

Mark H. Shapiro, Trustee filed an application for fees of \$12,662.50 and expenses of \$0.00 for services rendered as Subchapter V Trustee for the Debtor-In-Possession. The application may be reviewed in the Intake office at the U.S. Bankruptcy Court.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

If you do not want the court to award the fees, or if you want the court to consider your views on the application for fees, then within 21 days after service of this notice, you or your attorney must:

1. File with the court a written objection or request for a hearing at<sup>1</sup>:

**INTAKE OFFICE**  
**U.S. Bankruptcy Court**  
211 West Fort Street  
17th Floor  
Detroit, Michigan 48226

If you mail your objection or request for hearing to the court for filing, you must mail it early enough so the court will **receive** it on or before the 21 day period expires.

2. Serve a copy on:

Mark H. Shapiro, Trustee  
25925 Telegraph Road, Suite 203  
Southfield, MI 48033  
(248) 352-4700

If you or your attorney do not take these steps, the court may decide that you do not oppose the request for fees and may enter an order granting that relief.

/s/ Mark H. Shapiro (P43134)  
Subchapter V Trustee for Debtor-In-Possession  
25925 Telegraph Road, Suite 203  
Southfield, MI 48033  
(248) 352-4700  
shapiro@steinbergshapiro.com

Date: March 6, 2024

---

<sup>1</sup>Objection or request for hearing must comply with F.R.Civ.P. 8(b),(c) and (e).

UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In re:

Exigent Landscaping, LLC,  
Debtor.

Case No. 23-46912-TJT  
Chapter 7  
Hon. Thomas J. Tucker

/

**CERTIFICATE OF SERVICE**

I certify that on March 6, 2024, I served copies as follows:

Documents Served: 21 Day Notice of Application of Fees  
All non-ECF parties listed on the attached Official  
Court Matrix

Served Upon: First Class Mail

Method of service:

/s/ Ilene A. Harmon  
Trustee Assistant  
25925 Telegraph Road, Suite 203  
Southfield, MI 48033  
(248) 352-4700  
harmon@steinbergshapiro.com

Label Matrix for local noticing  
0645-2  
Case 23-46912-tjt  
Eastern District of Michigan  
Detroit  
Wed Mar 6 13:14:40 EST 2024

AG Gas Service  
27231 Doxtator  
Dearborn Heights, MI 48127-4903

23 Mile Storage, LLC  
c/o Tommy Haji  
965 Wanda  
Suite E  
Detroit, MI 48220-2959

24 Capital, LLC  
936 S.W. 1st Ave. Ste.271  
Miami, FL 33130-4520

Alex Boyd and Rebecca Boyd  
c/o John F. Harrington  
30500 Van Dyke Ave  
Ste 200  
Warren, MI 48093-2109

Ally Bank  
AIS Portfolio Services, LLC  
4515 N Santa Fe Ave. Dept. APS  
Oklahoma City, OK 73118-7901

Ally Bank c/o AIS Portfolio Services, LLC  
4515 N. Santa Fe Ave. Dept. APS  
Oklahoma City, OK 73118-7901

(p)AMERICREDIT FINANCIAL SERVICES DBA GM FINAN  
PO BOX 183853  
ARLINGTON TX 76096-3853

AmeriCredit Financial Services, Inc. dba GM  
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Arlington, TX 76096-3853

American Express  
PO Box 650448  
Dallas, TX 75265-0448

American Express National Bank  
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PO Box 3001  
Malvern PA 19355-0701

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Webberville, MI 48892-8700

Aqua Haul  
2992 Gramer Rd  
2992 Gramer Rd  
Webberville, MI 48892-8700

Arlington Masonry Supply  
7500 23 Mile Road  
Shelby Twp, MI 48316-4422

Auto Owners Insurance  
6101 Anacapri Blvd  
Lansing, MI 48917-3994

BMO Bank N.A.  
1625 W. Fountainhead Pkwy  
Tempe, AZ 85282-2371

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2120 West End Avenue  
Nashville, TN 37203-5341

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Zousmer Law Group PLC  
4190 Telegraph Rd., Ste. 3000  
Bloomfield Hills, MI 48302-2082

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ATTN BANKRUPTCY TEAM  
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JCA115  
JOHNSTON RI 02919-1922

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P.O. 850, Lambeth Stn  
London ON N6P 1N6

Congil Truck Lines Ltd.  
6216 Westminster Dr  
London, ON N6P 1R2

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12635 Marion  
Redford, MI 48239-2652

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c/o Bret T. Thrasher  
1170 Peachtree Street NE, Suite 1925  
Atlanta, GA 30309-7677

IOU Central, Inc. d/b/a IOU Financial, Inc.  
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PHILADELPHIA PA 19101-7346

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Centralized Insolvency Operation  
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Philadelphia, PA 19101-7346

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Clinton Township, MI 48038-4098

J&H Transporation Co.  
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c/o CRF Solutions  
PO Box 1389  
Simi Valley, CA 93062-1389

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Indianapolis, IN 46203-5828

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Michigan Department of Treasury  
Collections/Bankruptcy Unit  
P.O. Box 30168  
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Partha Nadi  
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Bloomfield Hills, MI 48302

Pawnee Leasing Corporation  
c/o Ali  
654 Amherst Road  
Suite 320  
Sunderland, MA 01375-9420

Peterson Brothers Co.  
9680 Grineel Ave  
Detroit, MI 48213-1149

Ratnesh Mehra  
232 Forest Ave.  
Royal Oak, MI 48067-1875

Rock Bottom Stone Supply  
PO Box 190081  
Burton, MI 48519-0081

Rock Botton  
4057 S Dort Hwy  
Burton, MI 48529

Ryan Kelly  
8884 Morning Mist Dr.  
Clarkston, MI 48348-2868

SCP Distributors, LLC  
c/o Scott R. Cheatham  
Adams and Reese LLP  
701 Poydras Street, Suite 4500  
New Orleans, LA 70139-4596

SCP Pool Corp.  
35015 Glendale St.  
Livonia, MI 48150-1230

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Clarkston, MI 48348-2868

Sandra M. Kelly  
Ryan Kelly  
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Sheffiled  
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Simna Kumar  
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Stafford Landscaping LLC  
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State of Michigan  
Department of Attorney General  
Cadillac Place  
3030 West Grand Boulevard  
Detroit, MI 48202-6030

State of Michigan  
Department of Treasury  
Collections Division  
Treasury Building  
Lansing, MI 48922-0001

State of Michigan  
Department of Treasury  
P.O. Box 77437  
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Stephanie Wells  
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Franklin, MI 48025-5124

Terry Riddle  
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Sterling Heights, MI 48313-4533

The Hills of Lone Pine Association  
c/o Norman Orr  
201 West Big Beaver  
Suite 600

Tommissns Tounsel  
13221 Maple Lawn Drive  
Utica, MI 48315-2305

(p)US BANK  
PO BOX 5229  
CINCINNATI OH 45201-5229

U.S. Small Business Administration  
2 North Street, Suite 320  
Birmingham, AL 35203

U.S. Small Business Administration  
2 North street, Suite 320  
Birmingham, AL 35203

Unique Funding Solution  
71 S Central Ave  
Suite 200  
Valley Stream, NY 11580-5403

United States of America (IRS)  
United States Attorney  
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Detroit, MI 48226-3220

Upstart Loan Operations  
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San Carlos, CA 94070-7503

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Cedarhurst, NY 11516-1842

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Detroit, MI 48209-1558

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c/o Doron Yitzchaki, Esq.  
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Western Equipment Finance, Inc.  
503 Highway 2 West  
Devils Lake, ND 58301-2938

Western Equipment Finance, Inc.  
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Devils Lake, ND 58301-0640

Wiegands Farm  
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Lenox, MI 48050-1302

Wright Engineering  
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Las Vegas, NV 89134-6371

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Michael I. Zousmer  
Zousmer Law Group PLC  
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Bloomfield Hills, MI 48302-2082

ally  
PO Box 380902  
Minneapolis, MN 55438-0902

c/o CRF Solutions  
PO Box 1389  
Simi Valley, CA 93062-1389

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g) (4) .

AmeriCredit Financial Services, Inc.  
P.O. Box 183853  
Arlington, TX 76096

(d)AmeriCredit Financial Services, Inc.  
dba GM Financial  
P O Box 183853  
Arlington, TX 76096

Bill  
6220 America Center Dr. Suite 100  
San Jose, CA 95002

Citizens Bank, N.A.  
One Citizens Plaza  
Providence, RI 02903

Internal Revenue Service  
Centralized Insolvency Operations  
PO Box 21126  
Philadelphia, PA 19114

Kabbage  
730 Peachtree St NE, Suite 1100  
Atlanta, GA 30308

U.S. Bank  
800 Nicollet Mall  
Minneapolis, MN 55402

(d)U.S. Bank National Association  
Bankruptcy Department  
PO Box 108  
Saint Louis MO 63166-0108

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)23 Mile Storage, LLC

(u)24 Capital  
1545 Route 202  
Suite 101  
NY 10907

(u)Ally Bank

(u)Ayham Ashkar 47681 Manorwood Drive Northvi

(u)EBF Holdings LLC

(u)Ernest M. Hassan III

(u)Amanda Pisarski

(u)SCP Distributors, LLC

(u)Mohamed Saad

(u)Angela Serrano

(d)Mark H. Shapiro  
25925 Telegraph Rd.  
Suite 203  
Southfield, MI 48033-2527

(u)Andrew R. Vara

End of Label Matrix

Mailable recipients 166

Bypassed recipients 12

Total 178

UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In re:

Exigent Landscaping, LLC,  
Debtor.

Case No. 23-46912-TJT  
Chapter 7  
Hon. Thomas J. Tucker

/

**EXHIBIT LIST**

1	Proposed order granting fee application
2	Notice of Appointment of Subchapter V Trustee
3	n/a
4	Summary of time rendered and hourly rates
5	Detailed time records
6	Biographical statements
7	n/a

UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In re:

Exigent Landscaping, LLC,  
Debtor.

Case No. 23-46912-TJT  
Chapter 7  
Hon. Thomas J. Tucker

/

**ORDER APPROVING FIRST AND FINAL  
FEE APPLICATION OF SUBCHAPTER V TRUSTEE  
FOR EXIGENT LANDSCAPING, LLC, DEBTOR-IN-POSSESSION  
FOR THE PERIOD AUGUST 8, 2023 THROUGH FEBRUARY 29, 2024**

Mark H. Shapiro, Trustee filed and served on interested parties a first and final application for Subchapter V trustee fees and expenses (the “Application” docket # \_\_\_\_). All parties in interest were served with notice of the application and no responses or objections were timely filed. As such, the Court finds good cause to enter this Order.

IT IS ORDERED that the Application is approved.

IT IS FURTHER ORDERED that Mark H. Shapiro, Trustee is awarded fees of \$12,662.50 and expenses of \$0.00 for services rendered during the period August 8, 2023 through February 29, 2024 as Chapter 11 administrative expenses of the estate under 11 U.S.C. § 503(b).

UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In re:

Case No. 23-46912-tjt

**Exigent Landscaping, LLC.,**

Subchapter V – Chapter 11

Debtor.

Hon. Thomas J. Tucker

**NOTICE OF APPOINTMENT OF SUBCHAPTER V TRUSTEE**

Pursuant to 11 U.S.C. § 1183(a), the United States Trustee has appointed the following qualified individual as Subchapter V trustee in the above-captioned case:

**Mark H. Shapiro**  
**Steinberg, Shapiro & Clark**  
**25925 Telegraph Rd., Ste. 203**  
**Southfield, MI 48033**  
**(248) 352-4700**  
**Email: [shapiro@steinbergshapiro.com](mailto:shapiro@steinbergshapiro.com)**

The trustee's verified statement of disinterestedness and anticipated rate of compensation is attached to this notice.

Respectfully submitted,

**ANDREW R. VARA**  
**UNITED STATES TRUSTEE**  
**Regions 3 and 9**

By: /s/ Kelley Callard  
Trial Attorney  
Office of the U.S. Trustee  
211 West Fort St - Suite 700  
Detroit, Michigan 48226  
(313) 226-6773  
[Kelley.Callard@usdoj.gov](mailto:Kelley.Callard@usdoj.gov)  
[P68537]

Date: August 8, 2023

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In re:

Case No. 23-46912-tjt

**Exigent Landscaping, LLC.,**

Subchapter V – Chapter 11

Debtor.

Hon. Thomas J. Tucker

**VERIFIED STATEMENT OF SUBCHAPTER V TRUSTEE**

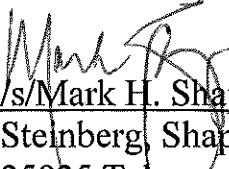
In connection with the United States Trustee's Notice of Appointment of Mark H. Shapiro as Subchapter V trustee in this proceeding, I hereby verify that I am a "disinterested person" as defined by 11 U.S.C. §101(14) in that I:

- (a) am not a creditor, equity security holder or insider of the debtor;
- (b) am not, and was not, within two years before the date of filing of the petition, a director, officer, or employee of the debtor; and
- (c) do not have an interest materially adverse to the interest of the estate or of any class of creditors or equity security holders, by reason of any direct or indirect relationship to, connection with, or interest in, the debtor, or for any other reason.

Subject to court approval pursuant to 11 U.S.C. § 330, I anticipate seeking compensation for my service in this case at an hourly rate of \$400.00, in addition to seeking reimbursement for any actual and necessary expenses I incur.

I hereby accept my appointment as subchapter V trustee in this case pursuant to FRBP 2008.

Respectfully submitted,

By:   
s/Mark H. Shapiro  
Steinberg, Shapiro & Clark  
25925 Telegraph Rd., Ste. 203  
Southfield, MI 48033  
(248) 352-4700  
shapiro@steinbergshapiro.com

Date: August 8, 2023

## EXHIBIT 4

### SUMMARY STATEMENT OF NUMBER OF HOURS OF SERVICE RENDERED BY EACH ATTORNEY AND PARALEGAL

<u>Attorney</u>	<u>Hourly Rate</u>	<u>No. of Hours</u>	<u>Amount</u>
Mark H. Shapiro*	\$400.00	33.80	\$13,520.00
Tracy M. Clark*	\$325.00	<u>0.90</u>	<u>\$292.50</u>
Totals		<u>34.70</u>	<u>\$13,812.50</u>

**Fees & Expenses by Activity**

Period: 01/01/90-02/29/24

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<b>Matter 366-1</b>		Exigent Landscaping, LLC Exigent Landscaping, LLC	Hours	Fees	Expenses
<b>TEE</b>	<b>Trustee</b>				
08/08/23 (62726)	MHS	Review of first day motions, emails from US Trustee regarding IDI and 341 meeting and Order for expedited hearing. Email to Ernie Hassan regarding same.	1.10	385.00	0.00
08/08/23 (62728)	MHS	Review and exchange of emails with Kelley Callard regarding first day motions and with Ernie Hassan regarding Zoom conference tomorrow.	0.20	70.00	0.00
08/08/23 (62725)	MHS	Review and exchange of emails with US Trustee regarding appointment in new matter and Declaration of Disinterestedness. Executed Declaration and returned to US Trustee. Email to Joy L. Brown regarding downloading pleadings.	0.00	0.00	0.00
08/09/23 (62731)	MHS	Review of Order for hearing on first day motions.	0.10	35.00	0.00
08/09/23 (62739)	MHS	Attendance on Zoom conference with Ernie Hassan and Kelley Callard to discuss background, moving forward with case.	0.70	245.00	0.00
08/11/23 (62763)	TMC	Review first day motions and email from Mark H. Shapiro in preparation for today's hearing.	0.00	0.00	0.00
08/11/23 (62814)	MHS	Review and exchange of emails with Tracy M. Clark, Esq. regarding preparation for hearing.	0.10	35.00	0.00
08/11/23 (62766)	TMC	Telephonic appearance for hearings on motions to use cash collateral and pay employees.	0.30	82.50	0.00
08/15/23 (62860)	MHS	Review of emails from Kelley Callard regarding reporting to be required from Debtor.	0.20	70.00	0.00
08/21/23 (62988)	MHS	Review of emails exchanged by and between US Trustee and counsel for Debtor regarding reporting. Review and exchange of emails with Kelley Callard regarding Debtor disclosures.	0.20	70.00	0.00

**Fees & Expenses by Activity**

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08/21/23 (62998)	MHS	Review of voicemail messages from creditor and counsel for creditor. Attempted calls to each and left messages. Telephone conference with John Harrington regarding case, my role.	0.30	105.00	0.00
08/22/23 (63011)	MHS	Download and review of pleadings filed by Debtor, in preparation for IDI. Review of emails exchanged by and between Kelley Callard and Ernie Hassan regarding reporting issues. Email to Tim Carr regarding documents received from Debtor for IDI. Email to Ernie Hassan regarding any more recent financial information than what was filed with Court? Telephone conference with Ernie regarding same.	0.80	280.00	0.00
08/23/23 (63041)	MHS	Continued review of Debtor's financial records provided, in preparation for IDI.	0.50	175.00	0.00
08/23/23 (63045)	MHS	Review and exchange of emails with Tim Carr regarding case.	0.20	70.00	0.00
08/23/23 (63047)	MHS	Attendance on IDI with Tim Carr, Steve Wagner, Deidre McArthur, Ernie Hassan and Brandon Heitman, Debtor's principal.	1.10	385.00	0.00
08/24/23 (63052)	MHS	Review of email from Ernie Hassan regarding revised final agreement for use of cash collateral. Email to Ernie regarding approval to sign and file.	0.10	35.00	0.00
08/29/23 (63155)	MHS	Review of emails exchange by alleged secured creditor with interest in cash collateral and counsel for Debtor.	0.10	35.00	0.00
08/29/23 (63160)	MHS	Telephone conference with Ernie Hassan regarding potential obj to cash collateral resolved. Discussed issue relative to architect threatening to file construction lien.	0.20	70.00	0.00
08/30/23 (63187)	MHS	Review of proposed revised stip and order on cash collateral, received from Ernie Hassan. Telephone conference with Ernie regarding same and other issues. Review and revisions to proposed cash collateral order and email to all parties regarding same.	0.40	140.00	0.00
08/30/23 (63180)	MHS	Attendance for telephonic initial scheduling conference before Judge Tucker.	0.40	140.00	0.00
08/30/23 (63169)	MHS	Review and exchange of emails with Ernie Hassan regarding approval of revised version of final cash collateral order.	0.20	70.00	0.00

**Fees & Expenses by Activity**

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08/31/23 (63213)	MHS	Review of email from creditor Boyd regarding investigation of Debtor. Forwarded email to Kelley Callard.	0.30	105.00	0.00
09/02/23 (63262)	MHS	Review of emails from Ernie to Kelley Callard regarding IDI requirements and list of current jobs and status of same.	0.10	35.00	0.00
09/08/23 (63371)	MHS	Review of emails exchanged by and between Kelley Callard and Ernie regarding creditor information. Email to Ernie regarding same.	0.00	0.00	0.00
09/11/23 (63445)	MHS	Attendance on telephonic 341 meeting.	2.10	735.00	0.00
09/11/23 (63441)	MHS	Review of voicemail from Dan Hagy, creditor, regarding questions about 341 meeting and filing of proof of claim.	0.30	105.00	0.00
09/11/23 (63438)	MHS	Docketing of dates and deadlines from Scheduling Order. Review of Schedules and Statements in preparation for 341 meeting.	0.50	175.00	0.00
09/12/23 (63458)	MHS	Telephone conference with Kelley Callard regarding status of case, results of 341 meeting. Telephone conference with Ernie regarding same and strategy going forward.	0.80	280.00	0.00
09/19/23 (63625)	MHS	Telephone conference with Ernie regarding employment of professional issues.	0.10	35.00	0.00
09/21/23 (63641)	MHS	Telephone conference with Ernie Hassan regarding discussions with US Trustee.	0.20	70.00	0.00
09/23/23 (63674)	MHS	Download and review of August MOR filed by Debtor. Referenced bi-weekly report and S of FA. Email to Ernie regarding questions.	0.50	175.00	0.00
09/25/23 (63717)	MHS	Review of emails exchanged by and between Kelley Callard and Ernie Hassan. Email to Kelley regarding questions for Ernie on MORs.	0.10	35.00	0.00
09/25/23 (63720)	MHS	Telephone conference with Kelley Callard regarding MOR issues.	0.30	105.00	0.00
09/26/23	MHS				

**Fees & Expenses by Activity**

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(63725)		Review of email from Kelley Callard to Ernie Hassan regarding questions about MOR.	0.10	35.00	0.00
09/27/23	MHS	Telephone conference with Ernie regarding response to Kelly's emails and issues in case. Review of email from Ernie to Kelley regarding responses to her requests.	0.20	70.00	0.00
(63764)					
09/27/23	MHS	Telephone conference with Jim Harrington regarding status and direction of case.	0.30	105.00	0.00
(63758)					
09/27/23	MHS	Attendance for telephonic 1188 status conference before Judge Tucker.	0.20	70.00	0.00
(63751)					
09/28/23	MHS	Continued review of email and attached documents from Ernie to Kelley Callard, responding to requests for information.	0.20	70.00	0.00
(63768)					
10/04/23	MHS	Review of email from Ernie Hassan regarding detail on current projects. Review of email from Kelley Callard in response.	0.20	80.00	0.00
(64049)					
10/14/23	MHS	Download and review of bi-weekly financial reporting, email from Kelley Callard to Ernie regarding documents to be produced.	0.20	80.00	0.00
(64181)					
10/18/23	MHS	Review and exchange of emails with Kelley Callard regarding analyst notes and meeting tomorrow.	0.20	80.00	0.00
(64244)					
10/19/23	MHS	Attendance on videoconference with Kelley Callard and Dee Dee McArthur regarding investigation in case and issues relating to potential motion to be filed. Email to counsel for creditors regarding any activity on their matters.	0.60	240.00	0.00
(64258)					
10/19/23	MHS	Review and exchange of emails with counsel for creditors regarding Zoom conference Monday. Review of email from Kelley Callard to counsel for Debtor regarding request for information	0.10	40.00	0.00
(64266)					
10/20/23	MHS	Review of email from Kelley Callard regarding Debtor's principal's wife setting up new entity. Email to Kelly regarding communications with creditors.	0.10	40.00	0.00
(64299)					
10/20/23	MHS	Review of email from Jennifer Hernandez regarding status of job. Review of voicemail message from John Harrington. Email to John and Jacob Kahn regarding Zoom			
(64298)					

**Fees & Expenses by Activity**

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conference Monday				0.20	80.00	0.00
10/20/23 (64296)	MHS	Review of email and attached list of creditors received from Dee Dee at US Trustee. Review of claims docket for case and location of information for creditors. Attempted call to John Harrington and email to Jennifer Hernandez to determine progress on jobs		0.30	120.00	0.00
10/23/23 (64321)	MHS	Attendance on videoconference with counsel for creditors, Jacob Kahn and Jim Harrington.		0.50	200.00	0.00
10/24/23 (64347)	MHS	Telephone conference with Ernie Hassan regarding status, discussions with creditors and direction of case.		0.40	160.00	0.00
10/29/23 (64531)	MHS	Review and exchange of emails with Shannon Barnhardt regarding progress on project.		0.10	40.00	0.00
10/29/23 (64528)	MHS	Emails to various customers to ask for status of their projects.		0.40	160.00	0.00
10/30/23 (64551)	MHS	Review and exchange of emails with Dan Hagy, creditor regarding whether to file proof of claim.		0.10	40.00	0.00
10/31/23 (64581)	MHS	Review and exchange of email from David Eisenberg regarding client agreeing to terminate contract. Review and exchange of emails with Kelley Callard regarding meeting tomorrow and review of additional emails from customers.		0.30	120.00	0.00
11/01/23 (64668)	MHS	Review of email from customer. Review of emails exchanged by and between Ernie and Kelley.		0.10	40.00	0.00
11/01/23 (64661)	MHS	Telephone conference with Ernie Hassan regarding strategy.		0.30	120.00	0.00
11/01/23 (64659)	MHS	Attendance on videoconference with Kelley Callard and Dee Dee MacArthur to discuss status of case.		0.50	200.00	0.00
11/01/23 (64650)	MHS	Email to Kelley Callard and Dee Dee McArthur regarding contact with customers.		0.30	120.00	0.00

**Fees & Expenses by Activity**

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11/03/23 (64767)	MHS	Telephone conference with Kelley Callard regarding their position on Motion to Convert/Dismiss.	0.30	120.00	0.00
11/06/23 (64797)	MHS	Review and exchange of emails with counsel for Debtor and US Trustee Regarding Debtor's desire to proceed with confirmation.	0.10	40.00	0.00
11/06/23 (64799)	MHS	Review of email and attached proposed stip and order from counsel for creditor, Londono.	0.20	80.00	0.00
11/10/23 (64916)	MHS	Telephone conference with counsel for homeowner regarding nondischargeability action against Debtor and status of case.	0.20	80.00	0.00
11/16/23 (65110)	MHS	Telephone conference with Ernie regarding plan/case issues.	0.30	120.00	0.00
11/29/23 (65329)	MHS	Review of pleadings in preparation for videoconference with Kelley Callard and Dee Dee McArthur.	0.30	120.00	0.00
11/29/23 (65332)	MHS	Attendance on videoconference with Kelley Callard and Dee Dee McArthur regarding case status and request for adjournment of hearing.	0.30	120.00	0.00
11/30/23 (65351)	MHS	Download and review of ex parte order adjourning confirmation and setting hearing dates. Calendared dates.	0.20	80.00	0.00
12/01/23 (65573)	MHS	Telephone conference with Ernie Hassan regarding status of case and position on Motion to convert.	0.60	240.00	0.00
12/06/23 (65625)	MHS	Telephone conference with John Herrington, counsel for creditor, regarding balloting in case, discussions with US Trustee.	0.20	80.00	0.00
12/13/23 (65717)	MHS	Download and review of ballot summary filed by Debtor. Email to Ernie regarding scheduling call today.	0.20	80.00	0.00
12/15/23 (65757)	MHS	Telephone conference with counsel for Debtor regarding status of case.	0.50	200.00	0.00

**Fees & Expenses by Activity**

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12/20/23 (65861)	MHS	Telephone conference with Ernie Hassan regarding status of case.	0.20	80.00	0.00
12/26/23 (65945)	MHS	Review of US Trustee, Saad and IRS Objs to confirmation, as well as Debtor's most recent financial reporting. Email to Kelley Callard and Dee Dee McArthur regarding case.	0.90	360.00	0.00
01/03/24 (66113)	MHS	Download and review of amended S of FA filed by Debtor.	0.30	120.00	0.00
01/05/24 (66157)	MHS	Telephone conference with Ernie Hassan regarding status of case.	0.40	160.00	0.00
01/11/24 (66378)	MHS	Telephone conference with Kelley Callard regarding status of case.	0.20	80.00	0.00
01/13/24 (66399)	MHS	Download and review August MOR and Ballot summary. Email to Ernie regarding problems with MOR.	0.30	120.00	0.00
01/14/24 (66409)	MHS	Review of Debtor's amended S of FA and Response to US Trustee Mtn to Convert. Email to Kelley Callard regarding same.	0.60	240.00	0.00
01/19/24 (66538)	MHS	Review and exchange of emails with Kelley Callard regarding fee issues.	0.10	40.00	0.00
01/19/24 (66540)	MHS	Download and review of Debtor's memorandum in support of confirmation. Download and review of US Trustee Reply.	0.40	160.00	0.00
01/21/24 (66548)	MHS	Telephone conference with Bob Bassel regarding possible 363 sale followed by dismissal.	0.30	120.00	0.00
01/22/24 (66581)	MHS	Attendance on conference call with Bob Bassel and Ernie Hassan regarding possible compromise on motion to convert.	0.30	120.00	0.00
01/22/24 (66559)	MHS	Review and exchange of emails with Bob Bassel regarding cash collateral order.	0.10	40.00	0.00
01/22/24 (66566)	MHS	Attendance on conference call with Kelley Callard, Bob Bassel and Ernie Hassan to discuss direction of case. Telephone conference with Kelley after and review and			

**Fees & Expenses by Activity**

Period: 01/01/90-02/29/24

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		exchange of texts with Bob Bassel regarding Kelley's issue with any result other than conversion.	0.80	320.00	0.00
01/22/24 (66572)	MHS	Telephone conference with Bob Bassel and Ernie Hassan regarding sale followed by conversion.	0.30	120.00	0.00
01/22/24 (66575)	MHS	Telephone conference with Kelley Callard regarding sale and conversion is only acceptable resolution. Review of email from Kelley regarding same.	0.30	120.00	0.00
01/23/24 (66602)	MHS	Attendance on Zoom conference with Kelley Callard and Bob Bassel to discuss possible resolution of issues set for hearing tomorrow.	0.40	160.00	0.00
01/23/24 (66600)	MHS	Telephone conference with Kelley Callard regarding proposal from Debtor.	0.20	80.00	0.00
01/23/24 (66594)	MHS	Telephone conference with Ernie Hassan regarding issues in case, telephone conference with Bob regarding same. Attempted call to Kelley Callard regarding same.	0.50	200.00	0.00
01/23/24 (66593)	MHS	Attendance on Zoom conference with Kelley Callard, Bob Bassel and Ernie Hassan regarding possible resolution of motions tomorrow.	0.40	160.00	0.00
01/23/24 (66584)	MHS	Review of emails from Bob Bassel regarding proposal to US Trustee and from Kelley Callard regarding scheduling of meeting. Responded to both.	0.10	40.00	0.00
01/23/24 (66587)	MHS	Review and exchange of emails with Bob Bassel regarding fashioning a proposal for resolving issues with the US Trustee.	0.50	200.00	0.00
01/24/24 (66619)	MHS	Attendance on telephonic hearings on confirmation of Debtor's Ch. 11 plan and US Trustee Mtn to Convert, before Judge Tucker.	1.20	480.00	0.00
01/24/24 (66621)	MHS	Review and exchange of emails with Bob Bassel regarding results of hearing.	0.20	80.00	0.00
01/24/24 (66623)	MHS	Telephone conference with Ernie regarding results of hearing.	0.20	80.00	0.00

**Fees & Expenses by Activity**

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01/28/24 (66673)	MHS	Download and review of December '23 MOR.	0.20	80.00	0.00
01/31/24 (66762)	MHS	Review and exchange of texts with Bob Bassel regarding possible resolution of pending motion to convert with US Trustee. Text to Kelley regarding Bob's proposal.	0.20	80.00	0.00
02/02/24 (66928)	MHS	Download and review of Bi-Weekly financial report filed by Debtor.	0.10	40.00	0.00
02/07/24 (66959)	MHS	Download and review of adjournment notice in case.	0.10	40.00	0.00
02/12/24 (67077)	MHS	Review of Opinion and Order entered in case.	0.40	160.00	0.00
02/29/24 (67530)	MHS	Preparation of first and final fee application.	1.40	560.00	0.00
98 transactions for code TEE			33.40	12,662.50	0.00
<b>Totals for Matter 366-1</b>			Hours 33.40	Fees 12,662.50	Expenses 0.00
1 activity code					
98 transactions					

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## ATTORNEY BIOGRAPHIES

### STEINBERG SHAPIRO & CLARK

25925 Telegraph Road, Suite 203

Southfield, Michigan 48033

(248) 352-4700

**MARK H. SHAPIRO**, admitted to bar, 1989, Michigan; admitted to practice before Eastern, Western Districts of Michigan, U.S. District Court, U.S. Court of Appeals, Sixth Circuit.

**Education:** Kalamazoo College (B.A., 1986); Wayne State University Law School (J.D., 1989). Chapter 7 Panel Trustee, U.S. Bankruptcy Court for the Eastern District of Michigan, 1998–Present.

**Member:** Federal Bar Association; State Bar of Michigan; American Bankruptcy Institute; National Association of Bankruptcy Trustees; Consumer Bankruptcy Association, Eastern District of Michigan (Member, Board of Directors, March 2009–Present); Fellow of the Michigan State Bar Foundation 2021–2023.

**Speaking engagements and presentations:** American Bankruptcy Institute, Central States Conference, Consumer Trial Skills (June 2007); Mock Appellate Argument, American Bankruptcy Institute, Detroit Consumer Program (November 2007); US Attorney's Office/Trustee Training: Mortgage Fraud (January 2008); Consumer Bankruptcy Association/Bench and Bar Seminar on E.D. Mich. New Local Bankruptcy Rules (April 2008); Consumer Bankruptcy Association Seminar on Means Testing and Application of Form 22 (June 2008); Michigan Association of Certified Public Accountants, Continuing Education Seminar on Valuing Distressed Companies (June 2008); Instructor, U.S. Bankruptcy Court for the Eastern District of Michigan, Southern Division, Trial Advocacy Clinic (February 2008); ABI/Central States Bankruptcy Workshop: Litigation Skills in Consumer Cases (June 2008); NBI Bankruptcy Forum: What Judges and Trustees Want You To Know (April 2009); ABI Detroit Consumer Bankruptcy Conference, Advisory Board, Speaker, Moderator: The Special Challenges of High Income Debtors (November 2009); Michigan State Bar Institute of Continuing Legal Education (ICLE) Moderator/Speaker: Basic Litigation in Bankruptcy Court (February 2010); Michigan State Bar ICLE Speaker: Choosing Your Bankruptcy Chapter (April 2010); ABI/Central States Bankruptcy Workshop: "Have You Noticed that Your Neighbor's in Bankruptcy? High-Income Consumer Debtor Cases" (June 2010); Michigan State Bar ICLE Speaker: Take the Steps to Build Your Bankruptcy Practice (February 2011); Speaker, CBA & ICLE/Updates, Strategies, and Judicial Insights: Litigation Skills and Trial Preparation (April 2011); Panel Speaker,

Consumer Bankruptcy Association of Detroit: Who Gets the Money? The Homeowner, the Chapter 7 Trustee, or the Mortgage Company? (June 2011); Instructor, Federal Bar Association & CBA, Trial Advocacy Clinic (October 2011); ABI Detroit Consumer Bankruptcy Conference, Speaker: Advanced Chapter 7 Track: Part 1 (Tax Refunds and Returns; Legal and Equitable Issues in Property Ownership; Fraudulent-Transfer Issues; Insider Preferences; Life Insurance Exemption Issues) (November 2011); Michigan State Bar ICLE Moderator/Speaker: Basic Litigation in Bankruptcy Court (February 2012); Michigan State Bar ICLE Speaker/Updates, Strategies, and Judicial Insights: Real Property Issues for Bankruptcy Practitioners (May 2012); ABI Detroit Consumer Bankruptcy Conference, Speaker: Bankruptcy for the Self-Employed (November 2012); Michigan State Bar ICLE Speaker: Step-By-Step Bankruptcy Means Test Calculations (February 2013); Chapter 11 Roundtable – Panel Speaker: Enhancing Debtors’ Potential for Success in Small to Medium Size Chapter 11 Cases (October 2014); Federal Bar Association Panel Speaker, Rapid Fire Roundtable Event (October 2015).

**Seminars:** NABT/Annual Convention (2007–2010, 2012); ABI/Central States Annual Bankruptcy Workshop (2007–2011); ABI Annual Detroit Consumer Program (2007–2013).

**TRACY M. CLARK**, admitted to bar, 1999, Michigan; admitted to practice before Eastern and Western Districts of Michigan, U.S. District Court, and Sixth Circuit Court of Appeals.

**Education:** Walsh College, (B.A., with distinction, 1994); Wayne State University Law School, (J.D., *cum laude*, 1999).

**Member:** Federal Bar Association; State Bar of Michigan; American Bankruptcy Institute; National Association of Bankruptcy Trustees; Consumer Bankruptcy Association, Eastern District of Michigan; Michigan Super Lawyer (2014–present); Certified Arbitrator for Federal Business Bureau Auto Line Program, assisting in the resolution of vehicle warranty disputes; Fellow of the Michigan State Bar Foundation 2021–2023.

**Publications:** Co-Author, “Bankruptcy and Divorce,” Michigan Family Law Journal, 2001; “Dischargeability of Alimony and Property Settlements,” Laches, June 2001 (Oakland County Bar Association); Co-Author, “Bankruptcy” Counsel for the Counselor Practice Tips Handbook, June 2001 (Young Lawyers Section, Michigan State Bar Association); Co-Author, “The Effect of the Bankruptcy Reform Act on Divorce-Related Obligations and Claims,” Laches, November 2005 (Oakland County Bar Association); Co-Author, “Strategies for Consumer Bankruptcy Appeals,” Aspatore Books, a Thomson Reuters business, 2012; “It Pays to Verify Real Estate

Values," ABI Journal, June 2014; Co-Author, "Bankruptcy and Insolvency in the Divorce Case" Michigan Family Law, Institute of Continuing Legal Education, 2021–2023; Author, Bankruptcy Chapter – "Attorney Fee Agreements in Michigan," Sixth Edition, Institute of Continuing Legal Education, 2022-2023.

***Speaking engagements:*** Consumer Bankruptcy Association (2002 Annual Seminar); ABI/Detroit Consumer Program (November 2007); U.S. Attorney's Office/Trustee Training - Mortgage Fraud (January 2008); MIWIRC - CRO Panel (May 2010); State Bar of Michigan, Business Law and Real Estate Sections - New Issues in Enforcing Mortgages In Bankruptcy (July 2010); ABI/Central States Annual Bankruptcy Workshop: The Tax Man Cometh and the Tax Man Taketh Away - Tax Issues in Consumer Cases (June 2011); ICLE/The Intersection of Family Law & Bankruptcy - *Estes v Titus*: Judgment of Divorce and the Fraudulent Transfer (June 2011); ABI/Central States Annual Bankruptcy Workshop: Ethics in Representing the Consumer Debtor (June 2015); "Bankruptcy Basics," presentation for the OCBA Inns of Court seminar, Bloomfield Hills, Michigan (2018); ABI/Detroit Consumer Bankruptcy Conference: Messy Chapter 7s (2019); ABI/Central States Annual Bankruptcy Workshop: Property of the Estate, Constructive Trusts and Nonfiling Spouses (June 2022); Federal Bar Association Seminar: Real Property Sales in Consumer Cases (2022); Consumer Bankruptcy Association Seminar: Appeals in Bankruptcy (2022); Federal Bar Association 35th Annual Bankruptcy Seminar, Western District of Michigan: co-panelist on exemptions (2023); Advisory Board Co-Chair ABI/ Central States Banrkuptcy Workshop (2023).

***Seminars:*** ICLE/Homeward Bound: Basic Michigan Real Estate Practice-Buying, Selling, and Renting (November 2007); State Bar of Michigan/Alternatives to Bankruptcy (February 2008); CBA/Bench and Bar Seminar on New EDM Local Bankruptcy Rules (April 2008); ICLE/Microsoft Excel for Lawyers (May 2008); ICLE/Creditors' Rights 2008 (June 2008); ICLE/Basic Litigation in Bankruptcy Court: Part 3 of ICLE's Bankruptcy Certificate Series (March 2010); CBA & ICLE/National Quality – Michigan Venue (April 2010); NABT/Annual Convention (2001, 2003–2013, 2022); CBA & ICLE/Updates, Strategies, and Judicial Insights (April 2011); ABI/Central States Annual Bankruptcy Workshop (2007–2023); CBA Annual Conference (formerly ABI Annual Detroit Consumer Program) (2007–2022); ICLE/Masters in Litigation – The Anatomy of a "Superstar" Deposition: David Boies vs. Bill Gates in *US vs. Microsoft* (March 2012); Federal Bar Association Rapid Fire Roundtable Event (October 2015); ICLE/Masters in Litigation – Persuasive Presentation Skills for Lawyers (March 2016); Federal Bar Association Annual Bankruptcy Seminar (2018, 2019, 2022–2023); Federal Bar Association

Appellate Practice Panel (April 2019); NABT: Forensic Accounting Tips for Bankruptcy Trustees (September 2021); NABT: The Debtor has Crypto – Bankruptcy Trustees – Now What? (November 2021); ICLE/Masters in Litigation – Evidence for Trial Lawyers (April 2022).

***Teaching engagements:*** Adjunct, Western Michigan University Thomas M. Cooley Law School (2022).